

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Determine
Whether Baseline Allowances for Residential
Usage of Gas and Electricity Should Be Revised.

Rulemaking 01-05-047
(Filed May 24, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING ADDITIONAL INFORMATION**

Disability Rights Advocates (DRA) filed a Request for Award of Compensation (Request) on June 10, 2002. No responses to the Request were received. DRA's Request contains inconsistencies and omissions that make it difficult to determine the proper amount of compensation to be awarded. DRA needs to provide both clarification and more information in order to provide the Commission with a sufficient basis for analyzing its Request.

HOURLY RATES

The hourly rates requested by DRA for certain individuals vary from one part of the Request to another. For Laurence Paradis, Appendix A and the table on page 12 indicate that DRA is seeking compensation at a rate of \$405 per hour, while the text on page 16 requests a rate of \$335 per hour. For Sid Wolinsky, the Appendix and table request a rate of \$535 per hour while the text on page 16 requests \$525 per hour. DRA needs to clarify what rate or rates it is requesting for Mr. Paradis and Mr. Wolinsky.

In addition, the Request does not provide adequate support for the hourly rates requested for DRA's advocates and legal assistants.¹ The rates sought by DRA, particularly for its attorneys, are relatively high. DRA has not cited to any Commission decisions authorizing compensation at the hourly rates sought for attorneys with similar experience levels, nor has DRA cited to the *Of Counsel* surveys, which are often utilized in the Commission's intervener compensation process. To the extent DRA wishes to use court-approved hourly rates as a basis for supporting its requested rates here, DRA should provide copies of the relevant court opinions.

DRA provides no basis for the hourly rates it is requesting for Caroline Jacobs and its "Senior Legal Assistant," and provides only a cursory description of its basis for the requested hourly rate for its "Legal Assistants" (also described as Law Clerks/Paralegals). At a minimum, the experience of these individuals should be described.

HOURS PRIOR TO THE ORDER INSTITUTING RULEMAKING (OIR)

Appendix A to DRA's Request includes hours for work performed before the issuance of the OIR. Such hours are generally considered to be outside the scope of the proceeding, and DRA does not explain why it should be compensated for this work.² DRA needs to provide some basis for its request to

¹ Given Ms. Schilberg's prior background testifying before the Commission, no further information is required for proper evaluation of the requested hourly rate for her participation.

² DRA's Request also seeks compensation for work performed after the issuance of Decision (D.) 02-04-026, which would also typically be considered outside the scope of the proceeding. Here, however, D.02-04-026 specifically requested DRA to perform certain tasks in order to implement the Decision, so DRA need not provide further explanation of the basis for its claim for hours worked after the date of the Decision.

be compensated for hours prior to the opening of the proceeding if it wishes the Commission to consider compensation for those hours.

IT IS RULED that:

1. Disability Rights Advocates (DRA) shall file and serve a supplement to its Request for Award of Compensation (Request), providing the information described above. DRA may also provide additional relevant information in support of its Request. The supplement must be filed by August 2, 2002. In addition to the service list, DRA should also serve Administrative Law Judge Peter V. Allen with an electronic copy at pva@cpuc.ca.gov.

2. Responses to the supplemental filing will not be accepted.

Dated July 19, 2002, at San Francisco, California.

/s/ PETER V. ALLEN

Peter V. Allen
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Requesting Additional Information on all parties of record in this proceeding or their attorneys of record.

Dated July 19, 2002, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.